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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

PASQUALE IANNETTI,

Defendant.

No. CR 09 0850 VRW

~~PROPOSED~~ ORDER EXCLUDING
TIME UNDER SPEEDY TRIAL ACT

The parties appeared before the Court on November 12, 2009 for status appearance on this matter. With the agreement of counsel for both parties, the Court finds and holds as follows:

1. The parties requested, and the Court granted, a continuance of the matter to January 7, 2010 at 2:00 p.m. for status. The parties advised the Court of progress in providing and reviewing discovery in the case, and further advised that in light of the complexities of the case, the additional time was necessary for effective preparation, taking into account due diligence. Specifically, the defendant is in the process of retaining an expert to examine the art prints that are the subject of the instant prosecution. In addition, the defense had recently requested discovery that may be in the possession of federal prosecutors and / or agents in Chicago. The

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1 government needs time to review those requests and obtain any discoverable materials. Further,
2 and as the parties advised the Court at the initial appearance in this case in September 2009, the
3 instant case is complicated by the fact that the defendant faces possible prosecution in Italy, and
4 defense counsel is working with defense counsel in Italy to determine the status of the case there.
5 In addition, the government is engaged in efforts to obtain evidence from Italy. For all these
6 reasons, the parties requested that the matter be continued for status until January 7, 2010.

7 2. The parties also requested an exclusion of time under the provisions of the Speedy
8 Trial Act, 18 U.S.C. § 3161(h)(1)(7)(A) & (B)(ii) on grounds that the case is so unusual and so
9 complex due to the nature of the prosecution and issues pertaining to evidence and possible legal
10 proceedings in Italy, that it is unreasonable to expect adequate preparation for pretrial
11 proceedings or for the trial itself within the time limits established by the Speedy Trial Act.

12 3. Given the circumstances cited in paragraph 1, above, including the complexities of the
13 nature of the charges and the facts that the defendant faces potential criminal prosecution in
14 another country and that some evidence may be located in another country, the Court finds that
15 the case is so unusual and complex that it is unreasonable to expect adequate preparation for
16 pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act.
17 Accordingly, the Court finds that the ends of justice served by excluding the period from
18 November 12, 2009 through January 7, 2010, outweigh the best interest of the public and the
19 defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) & (B)(ii). Accordingly, the period from

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November 12, 2009 through January 7, 2010 shall be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(7)(A) & (B)(ii).

IT IS SO ORDERED.

Dated: 12/9/2009



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